

EXHIBIT B

Akiva Cohen

From: Akiva Cohen
Sent: Tuesday, December 6, 2022 9:29 PM
To: Geoffrey G. Grivner
Cc: Levine, James H.S.; Mike Dunford; Kathryn Tewson; Dylan Schmeyer; Deborah Gaynor; Patrick Keane; Kody M. Sparks; sbrauerman; Ronald Golden
Subject: Re: 408 Settlement Communication

Geoff,

We are OK with this. But I want to make sure that your clients are fully aware that Deirdre is functionally looking at contributing nuisance value here, not anything particularly significant. If your clients are willing to engage on that basis, then a stay to see if this can get resolved makes sense. If not, then we should just continue pushing forward and get this finished.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Tuesday, December 6, 2022 8:06:46 PM
To: Akiva Cohen <acohen@kusklaw.com>
Cc: Levine, James H.S. <James.Levine@Troutman.com>; Mike Dunford <mdunford@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>; Patrick Keane <patrick.keane@bipc.com>; Kody M. Sparks <kody.sparks@bipc.com>; sbrauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: 408 Settlement Communication

Akiva/Steve,

I understand the parties are interested in discussing a resolution of this matter and that a withdraw of our Motion for Clarification and related filings may be necessary to facilitate such discussions. We do believe that a stipulation staying all proceedings (without withdraw of prior filings) will adequately facilitate such discussions, but we have also drafted the attached for your consideration. Please let me know if we can agree to a general stay of all proceedings, or if the attached proposed documents will be necessary to fully satisfy the interests of the parties. We are happy to arrange a meet and confer to discuss further.

Regards,

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Thursday, December 1, 2022 4:49 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Cc: Levine, James H.S. <James.Levine@Troutman.com>; Mike Dunford <mdunford@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: FW: Distribution of funds

[This Email Originated From acohen@kusklaw.com Which Is External To The Firm]

Geoff,

This type of harassing insanity is not going to move the ball forward. Neither is filing a frankly sanctionable new motion by letter, without meet and confer, asking for affirmative TRO relief that had never previously been requested, on the basis of a payment that the Court specifically refused to enjoin.

What in the world are you guys thinking?

You can let Earl know that Deirdre now has his email blocked and should not bother with further communications. I understand your desire to lean on the 1 of the 3 CBV principals apparently still on board with your firm's litigation strategy, but this is ridiculous.

Be well,

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: Earl Hennenhoefer <earl@hennenhoefer.org>
Subject: Distribution of funds
Date: Dec 1, 2022 at 1:37 PM
To: dleane@icloud.com

Deirdre

It came to my attention that you received the funds for your Arbitration Award contrary to the agreement in both the PPA and the RRC. This action **requires** CBV's pre-approval before funds would be distributed. As a result, our attorneys feel obligated to inform the court of this action.

CBV has been involved in this legal action for the last seven years and has yet to receive its fair share of the settlement as documented in the PPA. I would like to get the matter resolved.

Please give me your response on this matter.

Earl Hennenhoefer
President and CEO CBV

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EXHIBIT C

CBV's Settlement Proposal

Akiva Cohen <acohen@kusklaw.com>

Wed 12/7/2022 4:04 PM

To: Grivner, Geoffrey G. <geoffrey.grivner@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Dylan Schmeyer <dshmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>

Geoff,

Deirdre passed along that Dick and Bob's opening proposal was that she pay them \$7,000,000 to settle, which has me concerned that either you are not providing them with the information they need to make settlement discussions potentially fruitful, or that they are not understanding that information. Let's walk through it.

We conveyed to you that Deirdre was open to a discussion of nuisance value – essentially a cost of defense type settlement. We took your response to indicate that your clients understood that. Clearly they do not (and their email started by explaining that they don't consider her a nuisance, which confirms that lack of understanding). \$7,000,000 is obviously not that.

In fact, \$7M is only a little less than we offered at mediation before we knew the outcome of the arbitration award. (We offered you a high-low to hedge against a total loss, with us paying you 9.5M if we won at arbitration and came out above the line, and you paying 4.5M if we lost at arbitration). You said no then. Why in the world would we offer anything near that amount now that we've already won and our risk is eliminated? That ship has long since sailed.

As we mentioned at Dick's deposition, you have no viable claims against Deirdre at all. But even if you did, the maximum you could recover would be \$4M and change – because the shortfall from ChanBond if we should be below the line is about 13M and change, and **9M of that shortfall is CBV's own responsibility**; you're the ones who released those funds to ChanBond for its own use. So if one of us would be taking a 9M hit because those funds are gone, it would be you.

For all these reasons, a \$7M demand is not connected to reality. I truly liked Dick as a human being, and I have a lot of respect for your clients as people. But they do not seem to grasp the position they are in, or the amount of goodwill they burnt through by trying to zero Deirdre out. There isn't going to be a seven-figure offer from Deirdre, no matter how long we spend negotiating. There isn't going to be a high six-figure offer from Deirdre, no matter how long we spend negotiating. Talking about your clients' ages and families isn't going to change that. I can't even promise you *low* six-figures.

If your clients want to engage while understanding that predicate, and on the basis of that predicate, terrific, let's talk. Otherwise, we shouldn't waste everyone's time.

Please let me know.

Akiva M. Cohen
Kamerman Uncyk Soniker & Klein
1700 Broadway
New York, NY 10019
212-400-4930

EXHIBIT D

RE: Joint Status Report?

Geoffrey G. Grivner <geoffrey.grivner@bipc.com>

Tue 12/20/2022 11:44 AM

To: Akiva Cohen <acohen@kuskaw.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kathryn Tewson <ktewson@kuskaw.com>; Dylan Schmeyer <dschmeyer@kuskaw.com>; Mike Dunford <mdunford@kuskaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>

 1 attachments (732 KB)

December 20, 2022 Status Letter to Judge Williams (4865-5653-4341 v1).docx;

All,

Please see our proposed letter. We are still sorting things out on our end and are therefore seeking to keep the stay in place until January 3. We will be in touch regarding the case between now and then.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

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Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kuskaw.com>

Sent: Tuesday, December 20, 2022 2:22 PM

To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kathryn Tewson <ktewson@kuskaw.com>; Dylan Schmeyer <dschmeyer@kuskaw.com>; Mike Dunford <mdunford@kuskaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>

Subject: RE: Joint Status Report?

Geoff? We're closing in on COB

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)

Sent: Tuesday, December 20, 2022 9:00 AM

To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)

Subject: RE: Joint Status Report?

Akiva,

I expect to get you a short draft letter to the Court later this morning.

Geoff

Geoffrey Grivner

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geoffrey.grivner@bipc.com

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Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>

Sent: Monday, December 19, 2022 2:40 PM

To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>

Subject: Joint Status Report?

[This Email Originated From acohen@kusklaw.com Which Is External To The Firm]

Geoff,

I have not heard anything new for a while and our joint status report is due tomorrow. Can you please circulate a draft?

Thanks,

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

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EXHIBIT G

RE: Joint Status Report?

Akiva Cohen <acohen@kusklaw.com>

Mon 1/2/2023 2:55 PM

To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>

Cc: Levine, James H.S. <James.Levine@troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeier <dschmeier@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>

Geoff,

It is January 2, and we have not heard from you or your clients since the 20th. Obviously, we plan to tell the court that there is no reason to extend the stay.

Please provide some dates in January for Bob's deposition.

Akiva M. Cohen

[Kamerman Uncyk Soniker & Klein](#)

1700 Broadway

New York, NY 10019

212-400-4930

From: [Geoffrey G. Grivner](#)

Sent: Tuesday, December 20, 2022 2:58 PM

To: [Steve Brauerman](#)

Cc: [Akiva Cohen](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeier](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)

Subject: RE: Joint Status Report?

No worries – thanks to all.

Geoffrey Grivner

500 Delaware Avenue, Suite 720

Wilmington, DE 19801-7407

302 552 4207 (o)

484 431 6101 (c)

geoffrey.grivner@bipc.com

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Buchanan Ingersoll & Rooney PC

From: Steve Brauerman <SBrauerman@bayardlaw.com>

Sent: Tuesday, December 20, 2022 2:58 PM

To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>

Cc: Akiva Cohen <acohen@kusklaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeier <dschmeier@kusklaw.com>; Mike Dunford

<mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>

Subject: Re: Joint Status Report?

Sorry. I obviously meant Chanbond.

Steve

Stephen B. Brauerman
Bayard, P.A.
(302) 429-4232

On Dec 20, 2022, at 2:56 PM, Geoffrey G. Grivner <geoffrey.grivner@bipc.com> wrote:

Not sure who Robocast is, but thanks! I will get this filed.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

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Subject: Re: Joint Status Report?

Geoff,

This is acceptable to Robocast.

Thank you,

Steve

Stephen B. Brauerman
Bayard, P.A.
(302) 429-4232

On Dec 20, 2022, at 2:44 PM, Geoffrey G. Grivner <geoffrey.grivner@bipc.com> wrote:

CAUTION EXTERNAL

All,

Please see our proposed letter. We are still sorting things out on our end and are therefore seeking to keep the stay in place until January 3. We will be in touch regarding the case between now and then.

Geoff

Geoffrey Grivner

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Wilmington, DE 19801-7407
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geoffrey.grivner@bipc.com

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Buchanan Ingersoll & Rooney PC

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Sent: Tuesday, December 20, 2022 2:22 PM
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Subject: RE: Joint Status Report?

Geoff? We're closing in on COB

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 9:00 AM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan](#)

[Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)

Subject: RE: Joint Status Report?

Akiva,

I expect to get you a short draft letter to the Court later this morning.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
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Buchanan Ingersoll & Rooney PC

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Akiva M. Cohen
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1700 Broadway
New York, NY 10019
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<image001.png>

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<December 20, 2022 Status Letter to Judge Williams (4865-5653-4341 v1).docx>

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EXHIBIT F

Akiva Cohen

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Thursday, December 8, 2022 4:24 PM
To: Akiva Cohen
Subject: RE: CBV's Settlement Proposal

Akiva – can you call my cell, 484-431-6101? I will be out of pocket from about 5:30 to 8:30 due to a school concert but can talk before or after. Thanks.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Wednesday, December 7, 2022 7:04 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>
Cc: Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: CBV's Settlement Proposal

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Geoff,

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As we mentioned at Dick's deposition, you have no viable claims against Deirdre at all. But even if you did, the maximum you could recover would be \$4M and change – because the shortfall from ChanBond if we should be below the line is about 13M and change, and **9M of that shortfall is CBV's own responsibility**; you're the ones who released those funds to ChanBond for its own use. So if one of us would be taking a 9M hit because those funds are gone, it would be you.

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Please let me know.

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Akiva Cohen

From: Akiva Cohen
Sent: Tuesday, December 20, 2022 10:30 AM
To: Geoffrey G. Grivner; Steve Brauerman; Levine, James H.S.; Kathryn Tewson; Dylan Schmeyer; Mike Dunford; Kody M. Sparks; Ronald Golden
Subject: RE: Joint Status Report?

Thanks, Geoff, I'll keep an eye out.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 9:00 AM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)
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1700 Broadway

New York, NY 10019

212-400-4930

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Akiva Cohen

From: Akiva Cohen
Sent: Tuesday, December 20, 2022 2:58 PM
To: Ronald Golden; Geoffrey G. Grivner; Steve Brauerman
Cc: Levine, James H.S.; Kathryn Tewson; Dylan Schmeyer; Mike Dunford; Kody M. Sparks
Subject: RE: Joint Status Report?

Damon won't mind either

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Ronald Golden](#)
Sent: Tuesday, December 20, 2022 2:57 PM
To: [Geoffrey G. Grivner](#); [Steve Brauerman](#)
Cc: [Akiva Cohen](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#)
Subject: RE: Joint Status Report?

ChanBond**

Ronald P. Golden III
Associate
[BAYARD, P.A.](#)
Cell: +1 609-972-3577
Office: +1 302-429-4238
rgolden@bayardlaw.com

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Tuesday, December 20, 2022 2:56 PM
To: Steve Brauerman <SBrauerman@bayardlaw.com>
Cc: Akiva Cohen <acohen@kusklaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: RE: Joint Status Report?

Not sure who Robocast is, but thanks! I will get this filed.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Steve Brauerman <SBrauerman@bayardlaw.com>
Sent: Tuesday, December 20, 2022 2:48 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Cc: Akiva Cohen <acohen@kusklaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: Re: Joint Status Report?

Geoff,

This is acceptable to Robocast.

Thank you,

Steve

Stephen B. Brauerman
Bayard, P.A.
(302) 429-4232

On Dec 20, 2022, at 2:44 PM, Geoffrey G. Grivner <geoffrey.grivner@bipc.com> wrote:

CAUTION EXTERNAL

All,

Please see our proposed letter. We are still sorting things out on our end and are therefore seeking to keep the stay in place until January 3. We will be in touch regarding the case between now and then.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Tuesday, December 20, 2022 2:22 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: RE: Joint Status Report?

Geoff? We're closing in on COB

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 9:00 AM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)
Subject: RE: Joint Status Report?

Akiva,

I expect to get you a short draft letter to the Court later this morning.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

Remaining Pages in Thread Excluded as Duplicates
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Akiva Cohen

From: Akiva Cohen
Sent: Tuesday, December 20, 2022 2:58 PM
To: Geoffrey G. Grivner; Steve Brauerman
Cc: Levine, James H.S.; Kathryn Tewson; Dylan Schmeyer; Mike Dunford; Kody M. Sparks; Ronald Golden
Subject: RE: Joint Status Report?

Ha!

Robocast is a client whose litigation Steve and I worked together on way back when

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 2:56 PM
To: [Steve Brauerman](#)
Cc: [Akiva Cohen](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)
Subject: RE: Joint Status Report?

Not sure who Robocast is, but thanks! I will get this filed.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

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Akiva Cohen

From: Akiva Cohen
Sent: Tuesday, December 27, 2022 11:10 AM
To: Geoffrey G. Grivner; Steve Brauerman; Levine, James H.S.; Kathryn Tewson; Dylan Schmeyster; Mike Dunford; Kody M. Sparks; Ronald Golden
Subject: RE: Joint Status Report?

Just touching base given that it's now closer to 1/3 than 12/20. Any update? Is there any reason at all to keep the stay in place past 1/3 at this point?

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 2:44 PM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyster](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)
Subject: RE: Joint Status Report?

All,

Please see our proposed letter. We are still sorting things out on our end and are therefore seeking to keep the stay in place until January 3. We will be in touch regarding the case between now and then.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

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Akiva Cohen

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Tuesday, January 3, 2023 12:48 PM
To: Levine, James H.S.; Akiva Cohen; Steve Brauerman
Cc: Kathryn Tewson; Dylan Schmeyer; Mike Dunford; Kody M. Sparks; Ronald Golden
Subject: RE: Joint Status Report?

Yes, I will shortly.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Levine, James H.S. <James.Levine@Troutman.com>
Sent: Tuesday, January 3, 2023 12:36 PM
To: Akiva Cohen <acohen@kusklaw.com>; Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>
Cc: Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: RE: Joint Status Report?

Geoff,

Are you planning to circulate a draft status letter?

Thanks,
James

James H. S. Levine

Partner

troutman pepper

Direct: 302.777.6536 | Internal: 807-6536 | Mobile: 302.545.9923

james.levine@troutman.com

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Monday, January 2, 2023 5:55 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>
Cc: Levine, James H.S. <James.Levine@Troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: RE: Joint Status Report?

EXTERNAL SENDER

Geoff,

It is January 2, and we have not heard from you or your clients since the 20th. Obviously, we plan to tell the court that there is no reason to extend the stay.

Please provide some dates in January for Bob's deposition.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 2:58 PM
To: [Steve Brauerman](#)
Cc: [Akiva Cohen](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)
Subject: RE: Joint Status Report?

No worries – thanks to all.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

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Buchanan Ingersoll & Rooney PC

From: Steve Brauerman <SBrauerman@bayardlaw.com>
Sent: Tuesday, December 20, 2022 2:58 PM
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Cc: Akiva Cohen <acohen@kusklaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: Re: Joint Status Report?

Sorry. I obviously meant Chanbond.

Steve

Stephen B. Brauerman
Bayard, P.A.
(302) 429-4232

On Dec 20, 2022, at 2:56 PM, Geoffrey G. Grivner <geoffrey.grivner@bipc.com> wrote:

Not sure who Robocast is, but thanks! I will get this filed.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

Remaining Pages in Thread Excluded as Duplicates
--

Akiva Cohen

From: Ronald Golden <rgolden@bayardlaw.com>
Sent: Tuesday, January 3, 2023 3:22 PM
To: Geoffrey G. Grivner; Akiva Cohen
Cc: Levine, James H.S.; Steve Brauerman; Kathryn Tewson; Dylan Schmeyer; Mike Dunford; Kody M. Sparks
Subject: RE: Joint Status Report?

Fine by us. Thank you.

Ron

Ronald P. Golden III
Associate
BAYARD, P.A.
Cell: +1 609-972-3577
Office: +1 302-429-4238
rgolden@bayardlaw.com

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Tuesday, January 3, 2023 3:00 PM
To: Akiva Cohen <acohen@kusklaw.com>
Cc: Levine, James H.S. <James.Levine@troutman.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dscmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: Re: Joint Status Report?

That's fine with me. Can Steve or Ron provide sign off?

On Jan 3, 2023, at 2:11 PM, Akiva Cohen <acohen@kusklaw.com> wrote:

Please change "will continue their discussions" to "may continue" – given that there's been no discussion for weeks I'm not comfortable reporting "will"

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, January 3, 2023 1:56 PM
To: [Levine, James H.S.](#); [Akiva Cohen](#); [Steve Brauerman](#)
Cc: [Kathryn Tewson](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kody M. Sparks](#); [Ronald Golden](#)
Subject: RE: Joint Status Report?

Our proposed letter is attached. Please let me know if I can file in this form.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Levine, James H.S. <James.Levine@Troutman.com>
Sent: Tuesday, January 3, 2023 12:36 PM
To: Akiva Cohen <acohen@kusklaw.com>; Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>
Cc: Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: RE: Joint Status Report?

Geoff,

Are you planning to circulate a draft status letter?

Thanks,
James

James H. S. Levine

Partner

troutman pepper

Direct: 302.777.6536 | Internal: 807-6536 | Mobile: 302.545.9923

james.levine@troutman.com

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Monday, January 2, 2023 5:55 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>
Cc: Levine, James H.S. <James.Levine@Troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: RE: Joint Status Report?

EXTERNAL SENDER

Geoff,

It is January 2, and we have not heard from you or your clients since the 20th. Obviously, we plan to tell the court that there is no reason to extend the stay.

Please provide some dates in January for Bob's deposition.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, December 20, 2022 2:58 PM
To: [Steve Brauerman](#)

From: Steve Brauerman <SBrauerman@bayardlaw.com>
Sent: Tuesday, December 20, 2022 2:58 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Cc: Akiva Cohen <acohen@kusklaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kathryn Tewson <ktewson@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>
Subject: Re: Joint Status Report?

Sorry. I obviously meant Chanbond.

Steve

Stephen B. Brauerman
Bayard, P.A.
(302) 429-4232

On Dec 20, 2022, at 2:56 PM, Geoffrey G. Grivner <geoffrey.grivner@bipc.com> wrote:

Not sure who Robocast is, but thanks! I will get this filed.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

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Akiva Cohen

From: Akiva Cohen
Sent: Monday, March 13, 2023 10:07 PM
To: Geoffrey G. Grivner
Cc: Steve Brauerman; Levine, James H.S.; Kody M. Sparks; Ronald Golden; Mike Dunford; Dylan Schmeyer; Kathryn Tewson; Patrick Keane
Subject: RE: Deposition Dates?

I'll also need to know the terms of your "confidential agreement" with ChanBond

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Monday, March 13, 2023 10:05 PM
To: [Akiva Cohen](#)
Cc: [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#); [Kathryn Tewson](#); [Patrick Keane](#)
Subject: Re: Deposition Dates?

I will get you one first thing in the morning. Thanks.

On Mar 13, 2023, at 9:18 PM, Akiva Cohen <acohen@kusklaw.com> wrote:

Geoff, if you want us to even consider this, please provide a redline.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Monday, March 13, 2023 9:16 PM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#); [Kathryn Tewson](#); [Patrick Keane](#)
Subject: RE: Deposition Dates?

Akiva,

We are now in a position to discuss next steps in this case. CBV intends to amend its complaint to conform with the Court's prior ruling and the current factual landscape. A copy of our proposed amended complaint is attached. Please confirm you are agreeable to this amendment. If that is not the

case, we will need to promptly schedule a meet and confer so that we can file a motion for leave to amend.

Pursuant to a confidential agreement, ChanBond has provided its consent to this amendment.

I look forward to your prompt response.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Wednesday, February 15, 2023 10:49 AM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>; Mike Dunford <mdunford@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>
Subject: RE: Deposition Dates?

Geoff, it's been almost exactly a month since you promised me dates for Bob.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Akiva Cohen](#)
Sent: Wednesday, January 25, 2023 7:20 AM
To: [Geoffrey G. Grivner](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#)
Subject: RE: Deposition Dates?

Geoff, as soon as I have dates for Bob I can ask Deirdre about dates – we're going to maintain the prior order, with Bob going first – so please let me know what his availability is.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, January 17, 2023 1:32 PM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#)
Subject: RE: Deposition Dates?

Akiva,

We intend to move forward with this case. I will get dates for Bob and ask that you also provide available dates for Deirdre.

Thanks,

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720

Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Monday, January 16, 2023 10:22 AM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>; Mike Dunford <mdunford@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>
Subject: Deposition Dates?

[This Email Originated From acohen@kusklaw.com Which Is External To The Firm]

Geoff,

I have not heard back from you in response to my request that we reschedule the deposition of your client. Is this case moving forward or do your clients intend to withdraw it?

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

<image001.png>

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<1A52005DEB7A49AC8C0AE3273005046B.png>

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CONFIDENTIAL/PRIVILEGED INFORMATION: This e-mail message (including any attachments) is a private communication sent by a law firm and may contain confidential, legally privileged or protected information meant solely for the intended recipient. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is prohibited and may be unlawful. Please notify the sender immediately by replying to this message, then delete the e-mail and any attachments from your system.

EXHIBIT G

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CBV, INC.,)	
)	
Plaintiff,)	
v.)	C.A. No. 1:21-cv-01456-MN
)	
CHANBOND, LLC, DEIRDRE LEANE,)	Leane Defendants' Second Set of
and IPNAV, LLC,)	Requests for Production
)	to Plaintiff CBV, Inc.
Defendants.)	

**DEFENDANTS DEIRDRE LEANE AND IPNAV, LLC'S
FIRST SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF CBV, INC.**

Pursuant to Fed. Rule Civ. P. 34(b), Defendants Deirdre Leane and IPNAV, LLC, hereby request that Plaintiff CBV, Inc. produce the following documents for inspection and copying (or that it produce a copy set of the documents) at the offices of Kamerman, Uncyk, Soniker, & Klein, P.C., 1700 Broadway, New York, NY 10019, in accordance with the electronic discovery instructions included herein, no later than 30 days after service of this Request for Production of Documents.

DEFINITIONS

1. The Definitions included in Leane Defendants' First Set of Requests for Production to Plaintiff CBV, Inc. (the "1st RFPs") are incorporated herein by reference.

INSTRUCTIONS

1. The Instructions included in the 1st RFPs are incorporated herein by reference.

REQUESTS

REQUEST FOR PRODUCTION NO. 21.

A copy of the "confidential agreement" referenced in Geoff Grivner's email of March 13, 2023 seeking Leane Defendants' consent to CBV filing a proposed amended complaint.

REQUEST FOR PRODUCTION NO. 22.

All DOCUMENTS RELATING TO the “confidential agreement” referenced in Geoff Grivner’s email of March 13, 2023 seeking Leane Defendants’ consent to CBV filing a proposed amended complaint, including but not limited to any COMMUNICATIONS relating to its purpose, negotiation, drafting, existence, modification, enforceability, and interpretation.

OF COUNSEL:

Akiva M. Cohen
Dylan M. Schmeier
KAMERMAN, UNCYK,
SONIKER & KLEIN P.C,
1700 Broadway, 16th Floor
New York, NY 10019
212.400.4930
acohen@kusklaw.com
dschmeier@kusklaw.com

Dated: March 14, 2023

/s/ James H. S. Levine
James H. S. Levine (DE No. 5355)
TROUTMAN PEPPER
HAMILTON SANDERS LLP
Hercules Plaza, Suite 5100
1313 N. Market Street
P.O. Box 1709
Wilmington, DE 19899-1709
302.777.6500
james.levine@troutman.com

Attorneys for IPNAV, LLC and Deirdre Leane

EXHIBIT H

Akiva Cohen

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Monday, April 10, 2023 9:12 AM
To: Akiva Cohen
Subject: RE: Deposition Dates?

Akiva,

I am not able to provide the documents related to settlement at this time. In light of this, we would like to move forward with a short meet and confer so that we can file our motion for leave to amend. Are you and James available later today or tomorrow for that call?

Thanks,

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Tuesday, March 14, 2023 5:09 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Cc: Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>; Mike Dunford <mdunford@kusklaw.com>; Dylan Schmeyer <dscmeyer@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Patrick Keane <patrick.keane@bipc.com>
Subject: RE: Deposition Dates?

Thank you. I need to know the terms of the “confidential agreement” to assess whether we will agree to allow the amendment, since it may impact the viability of the claims alleged in the proposed amendment. Would you like to share it with me now, or do you prefer to wait until you are required to produce it in response to our just-served discovery requests?

Separately, are you willing to agree that this will be your final amendment absent good cause (i.e. discovery of new facts supporting new claims)? While there’s prejudice to needing to reopen discovery and redepose witnesses to address new claims, especially given what I assume is Earl’s lengthy unavailability after the surgery you previously informed us would happen after his deposition, I would probably be inclined to consent if you agreed to that.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, March 14, 2023 4:50 PM
To: [Akiva Cohen](#)
Cc: [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#); [Kathryn Tewson](#); [Patrick Keane](#)
Subject: RE: Deposition Dates?

Akiva,

My apologies. The redline is attached. There was a formatting issue with the counts and we have now resolved that.

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Tuesday, March 14, 2023 9:51 AM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Cc: Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@troutman.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>; Mike Dunford <mdunford@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>; Patrick Keane <patrick.keane@bipc.com>
Subject: RE: Deposition Dates?

Geoff, my redline?

Also, taking a quick look at this, the counts start with Count IV. Was that intentional? Where are I-III?

Akiva M. Cohen
Kamerman Uncyk Soniker & Klein
1700 Broadway
New York, NY 10019
212-400-4930

From: [Akiva Cohen](#)
Sent: Monday, March 13, 2023 10:06 PM
To: [Geoffrey G. Grivner](#)
Cc: [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#); [Kathryn Tewson](#); [Patrick Keane](#)
Subject: RE: Deposition Dates?

I'll also need to know the terms of your "confidential agreement" with ChanBond

Akiva M. Cohen
Kamerman Uncyk Soniker & Klein
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Monday, March 13, 2023 10:05 PM
To: [Akiva Cohen](#)
Cc: [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#); [Kathryn Tewson](#); [Patrick Keane](#)
Subject: Re: Deposition Dates?

I will get you one first thing in the morning. Thanks.

On Mar 13, 2023, at 9:18 PM, Akiva Cohen <acohen@kusklaw.com> wrote:

Geoff, if you want us to even consider this, please provide a redline.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)

Sent: Monday, March 13, 2023 9:16 PM

To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#); [Kathryn Tewson](#); [Patrick Keane](#)

Subject: RE: Deposition Dates?

Akiva,

We are now in a position to discuss next steps in this case. CBV intends to amend its complaint to conform with the Court's prior ruling and the current factual landscape. A copy of our proposed amended complaint is attached. Please confirm you are agreeable to this amendment. If that is not the case, we will need to promptly schedule a meet and confer so that we can file a motion for leave to amend.

Pursuant to a confidential agreement, ChanBond has provided its consent to this amendment.

I look forward to your prompt response.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Wednesday, February 15, 2023 10:49 AM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>; Mike Dunford <mdunford@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Kathryn Tewson <ktewson@kusklaw.com>
Subject: RE: Deposition Dates?

Geoff, it's been almost exactly a month since you promised me dates for Bob.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Akiva Cohen](#)
Sent: Wednesday, January 25, 2023 7:20 AM
To: [Geoffrey G. Grivner](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#)
Subject: RE: Deposition Dates?

Geoff, as soon as I have dates for Bob I can ask Deirdre about dates – we're going to maintain the prior order, with Bob going first – so please let me know what his availability is.

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Tuesday, January 17, 2023 1:32 PM
To: [Akiva Cohen](#); [Steve Brauerman](#); [Levine, James H.S.](#); [Kody M. Sparks](#); [Ronald Golden](#); [Mike Dunford](#); [Dylan Schmeyer](#)
Subject: RE: Deposition Dates?

Akiva,

We intend to move forward with this case. I will get dates for Bob and ask that you also provide available dates for Deirdre.

Thanks,

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720

Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Monday, January 16, 2023 10:22 AM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@Troutman.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald Golden <rgolden@bayardlaw.com>; Mike Dunford <mdunford@kusklaw.com>; Dylan Schmeier <dschmeier@kusklaw.com>
Subject: Deposition Dates?

[This Email Originated From acohen@kusklaw.com Which Is External To The Firm]

Geoff,

I have not heard back from you in response to my request that we reschedule the deposition of your client. Is this case moving forward or do your clients intend to withdraw it?

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

<image001.png>

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<1A52005DEB7A49AC8C0AE3273005046B.png>

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EXHIBIT I

RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Geoffrey G. Grivner <geoffrey.grivner@bipc.com>

Thu 4/13/2023 1:44 PM

To: Kathryn Tewson <ktewson@kuskaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kuskaw.com>; Dylan Schmeyer <dschmeyer@kuskaw.com>; Mike Dunford <mdunford@kuskaw.com>; Kat Farley <kfarley@kuskaw.com>; Deborah Gaynor <dgaynor@kuskaw.com>

 1 attachments (128 KB)

Plaintiff's Responses to Defendants Request for Production.pdf;

Counsel,

Please see attached Plaintiff's Responses and Objections to Leane Defendants' Second Set of Requests for Production of Documents.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)
geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Kathryn Tewson <ktewson@kuskaw.com>

Sent: Tuesday, March 14, 2023 1:24 PM

To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kuskaw.com>; Dylan Schmeyer <dschmeyer@kuskaw.com>; Mike Dunford <mdunford@kuskaw.com>; Kat Farley <kfarley@kuskaw.com>; Deborah Gaynor <dgaynor@kuskaw.com>

Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

All,

The previously-served discovery requests were inadvertently served without Delaware counsel's signature. Attached please find the same documents over Delaware counsel's signature; please disregard the previous documents.

Kathryn Tewson, Paralegal

Kamerman, Uncyk, Soniker & Klein P.C.

206-940-3701

Unless specifically set forth above, the transmission of this communication is not intended to be a legally binding electronic signature, and no offer, commitment or assent on behalf of the sender or its client is expressed or implied by the sending of this message, or any attachments. This message and any attachments contain and are intended to be a confidential transmission of information or documents from Kamerman, Uncyk, Soniker & Klein P.C., which is legally privileged. The materials or information enclosed are intended only for the use of the individual or entity to which this message is addressed. If you are not the intended recipient, an addressee, or the person responsible for delivering this to an addressee, you are hereby notified that reading, using, disclosing, copying, or distributing any part of this message or the taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please contact us immediately and take the steps necessary to delete the message completely from your computer system. Thank you.

From: Kathryn Tewson

Sent: Tuesday, March 14, 2023 9:48 AM

To: Grivner, Geoffrey G. <geoffrey.grivner@bipc.com>; Sparks, Kody M. <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; patrick.keane@bipc.com <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>

Subject: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

All,

Attached please find Leane Defendants' Second Set of Requests for Production to Plaintiff CBV, Inc. and Leane Defendants' Second Set of Requests for Production to Defendant ChanBond, LLC. Please confirm receipt.

Best wishes,

Kathryn Tewson, Paralegal

Kamerman, Uncyk, Soniker & Klein P.C.

206-940-3701

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CBV, INC.,

*Plaintiff/Counterclaim-
Defendant,*

v.

CHANBOND, LLC,

*Defendant/Crossclaim-
Defendant,*

and

DEIRDRE LEANE, and IPNAV, LLC,

*Defendants/Counterclaim-
Plaintiffs/Crossclaim-
Plaintiffs.*

C.A. No. 1:21-cv-01456-GBW

**CBV, INC.’S RESPONSES AND OBJECTIONS TO DEFENDANTS DIERDRE LEANE
AND IPNAV, LLC’S SECOND SET OF REQUESTS FOR PRODUCTION**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff CBV, Inc. (“CBV” or “Plaintiff”), hereby responds to Defendants/Counterclaim Plaintiffs Deirdre Leane (“Leane”) and IPNAV, LLC’s (“IPNAV” and collectively with Leane, “Defendants”) Second Set of Requests for Production (the “Requests” and each individually a “Request”) as follows:

GENERAL OBJECTIONS

1. Plaintiff objects to the Requests (including without limitation the definitions and instructions) to the extent they purport to call for the disclosure of information beyond that which is authorized or contemplated by the Federal Rules of Civil Procedure.

2. Plaintiff objects to the Requests to the extent they are overbroad, unduly burdensome, vague, unintelligible, and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

3. Plaintiff objects to the Requests to the extent that they seek the disclosure of information protected by the attorney-client privilege, work product doctrine, and/or any other applicable privilege, immunity, or protection. Plaintiff will not produce otherwise responsive documents if those documents or the contents thereof are protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege, immunity, or protection. Plaintiff's inadvertent disclosure of information subject to any applicable privilege, immunity, or protection is not intended to be, and shall not operate as, waiver of any such privilege, immunity, or protection in whole or in part.

4. In furnishing the responses herein, Plaintiff does not concede that any information provided is relevant to the subject matter of, or admissible in, this litigation.

5. Plaintiff objects to the Requests to the extent they are vague or ambiguous and therefore require subjective judgment on the part of Plaintiff as to what information is requested.

6. Plaintiff's responses to the Requests are without waiver or limitation of its right to object on any available evidentiary grounds to the use at trial or at any hearing of any information or documents provided or referred to in its responses.

7. Plaintiff objects to the definitions contained in the Requests to the extent that they are overbroad, unduly burdensome, vague, speculative and/or inaccurate

8. Plaintiff objects to the Requests to the extent that it does not include a relevant time period, and therefore are overly broad, unduly burdensome, and unlikely to lead to the discovery of relevant evidence.

9. Any indication that Plaintiff will disclose information in answering any individual Request does not mean that Plaintiff agrees to the characterization of facts or events set forth in the specific Request.

10. A response indicating that responsive documents will be produced is not an indication or a representation that any such documents exist, but rather that Plaintiff will, in accordance with the Federal Rules of Civil Procedure and applicable Local Rules, make or cause to be made a reasonably diligent, good faith search of the files and locations that it reasonably believes contain documents responsive to the Requests (subject to any objections) and will produce documents responsive to the Requests (subject to any objections) which are located therewith.

11. The foregoing General Objections are to be incorporated by reference into each of the following answers.

Subject to and without waiving the foregoing General Objections, Plaintiff responds and objects to Defendants' Requests as follows:

REQUESTS

REQUEST FOR PRODUCTION NO. 21:

A copy of the "confidential agreement" referenced in Geoff Grivner's email of March 13, 2023 seeking Leane Defendants' consent to CBV filing a proposed amended complaint.

RESPONSE: Plaintiff objects to this Request to the extent it is vague, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects to this Request to the extent that it seeks documents which are subject to confidentiality provisions requiring consent of all parties to such agreements prior to being disclosed to any third party absent a court order.

Subject to these general and specific objections, Plaintiff will participate in a meet and confer with the parties to determine what documents, if any, can be produced at this time absent a court order.

REQUEST FOR PRODUCTION NO. 22:

All DOCUMENTS RELATING TO the “confidential agreement” referenced in Geoff Grivner’s email of March 13, 2023 seeking Leane Defendants’ consent to CBV filing a proposed amended complaint, including but not limited to any COMMUNICATIONS relating to its purpose, negotiation, drafting, existence, modification, enforceability, and interpretation.

ANSWER: Plaintiff objects to this Request to the extent it is vague, unduly burdensome and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects to this Request to the extent that it calls for the disclosure of information and/or the identification of documents that are protected by the attorney-client privilege, work product immunity and/or any other applicable privilege or immunity, or otherwise protected or protectable from discovery.

Plaintiff objects to this Request to the extent that it seeks documents which are subject to confidentiality provisions requiring consent of all parties to such agreements prior to being disclosed to a third party absent a court order.

Subject to these general and specific objections, Plaintiff will participate in a meet and confer with the parties to determine what documents, if any, can be produced at this time absent a court order.

BUCHANAN, INGERSOLL & ROONEY PC

Dated: April 13, 2023

/s/ Geoffrey Grivner

Geoffrey G. Grivner (#4711)

Kody M. Sparks (#6464)

500 Delaware Avenue, Suite 720

Wilmington, DE 19801-3036

(302) 552-4200

geoffrey.grivner@bipc.com

kody.sparks@bipc.com

* * *

Patrick C. Keane, Esq.

BUCHANAN, INGERSOLL & ROONEY PC

1737 King Street, Suite 500

Alexandria, VA 22314-2727

(703) 836-6620
patrick.keane@bipc.com

Attorneys for Plaintiff

EXHIBIT J

Akiva Cohen

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Monday, April 17, 2023 8:27 PM
To: Akiva Cohen
Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Akiva,

Just wanted to let you know that I am not ignoring. Trying to coordinate people on my side and will be back asap.

Geoff

On Apr 16, 2023, at 10:16 PM, Akiva Cohen <acohen@kusklaw.com> wrote:

Geoff, Steve,

Please let us know your availability, as if you each stand on your objections we will need to have our motions to compel filed this week.

In addition, given the black letter rule discussed in *Sonnino v. Univ. Kansas Hosp. Auth.*, 220 F.R.D. 633, 642 (D. Kan.), on reconsideration in part sub nom. *Sonnino v. Univ. of Kansas Hosp. Auth.*, 221 F.R.D. 661 (D. Kan. 2004) ("It is well settled that a concern for protecting confidentiality does not equate to privilege, and that information and documents are not shielded from discovery on the sole basis that they are confidential"), please be prepared to discuss any basis you would have to contest the imposition of Section 1927 sanctions should you force us to make a motion to compel.

Best,

Akiva

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Thursday, April 13, 2023 9:05:53 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <james.levine@troutman.com>
Cc: Dylan Schmeyer <dshmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Your objections don't actually set out a basis to withhold the requested documents other than privilege, which obviously doesn't apply to the agreement itself. You have also objected on the basis of privilege

to I assume at least some of the underlying documents related to the agreement but have not provided a privilege log.

Please immediately provide us with:

- 1) the basis on which you are withholding the agreement itself;
- 2) a date by which we can expect to receive a detailed privilege log for anything withheld on the basis of privilege; and
- 3) dates and times next week at which you are available to meet and confer on the objections to production.

Sent from my T-Mobile 5G Device
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From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Thursday, April 13, 2023 4:43:51 PM
To: Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>
Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Counsel,

Please see attached Plaintiff's Responses and Objections to Leane Defendants' Second Set of Requests for Production of Documents.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720

Wilmington, DE 19801-7407

302 552 4207 (o)

484 431 6101 (c)

geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Kathryn Tewson <ktewson@kusklaw.com>

Sent: Tuesday, March 14, 2023 1:24 PM

To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeyer <dshmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>

Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

All,

The previously-served discovery requests were inadvertently served without Delaware counsel's signature. Attached please find the same documents over Delaware counsel's signature; please disregard the previous documents.

Kathryn Tewson, Paralegal

Kamerman, Uncyk, Soniker & Klein P.C.

206-940-3701

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From: Kathryn Tewson

Sent: Tuesday, March 14, 2023 9:48 AM

To: Grivner, Geoffrey G. <geoffrey.grivner@bipc.com>; Sparks, Kody M. <kody.sparks@bipc.com>; Steve

Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>;
patrick.keane@bipc.com <patrick.keane@bipc.com>; Levine, James H.S.
<James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford
<mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor
<dgaynor@kusklaw.com>

Subject: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

All,

Attached please find Leane Defendants' Second Set of Requests for Production to Plaintiff CBV, Inc. and Leane Defendants' Second Set of Requests for Production to Defendant ChanBond, LLC. Please confirm receipt.

Best wishes,

Kathryn Tewson, Paralegal

Kamerman, Uncyk, Soniker & Klein P.C.

206-940-3701

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EXHIBIT K

Akiva Cohen

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>
Sent: Saturday, April 29, 2023 9:01 AM
To: Akiva Cohen; Steve B. Brauerman; Levine, James H.S.
Cc: Kathryn Tewson; Kody M. Sparks; Ronald P. Golden III; Patrick Keane; Dylan Schmeyer; Mike Dunford; Kat Farley; Deborah Gaynor
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond
Attachments: CBV - production -.pdf

Akiva,

Further to our meet and confer on Monday April 24, 2023, CBV (with ChanBond's approval) hereby agrees to provide the attached unredacted, executed agreements between CBV and ChanBond, bates stamped and designated Restricted-Confidential, in response to Leane Defendants' document requests and pursuant the Protective Order in this Action.

CBV and ChanBond will not be providing anything further in response to your document requests, on the basis that any additional documents that may exist and that may be responsive to your requests, are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

As discussed at the meet and confer, in the interest of the parties' cooperation and as a fair, like-kind exchange of documents on this point of settlement agreements, CBV expects to promptly receive from you by return email the executed version(s) of any of your clients' settlement agreement(s) with ChanBond. Such documents are responsive to CBV's previously served Second Set of Requests for Production of Documents No. 5, to which you certainly recognize an ongoing duty of production applies.

Amended Complaint:

Disclosure of the attached agreements is pursuant an effort to avoid wasteful and unnecessary motions practice with regard to CBV's proposed Second Amended Complaint. The attached Settlement Agreement is sufficient for you to provide your clients' position with respect to not opposing CBV's Second Amended Complaint.

The current, attached copy of CBV's proposed Second Amended Complaint was previously provided to you and was discussed at the meet and confer earlier this week. **Pursuant CBV's prior request as raised again during the meet and confer, please confirm by the close of business on Tuesday, May 2, 2023 your clients' position as to whether a motion for leave to amend on behalf of CBV will be necessary.**

We consider our meet and confer obligations with respect to the proposed Second Amended Complaint to be satisfied, and will file a motion for leave if we do not hear from you by Tuesday, May 2.

Regards,

Geoff

Geoffrey Grivner
Shareholder

500 Delaware Avenue, Suite 720
Wilmington, DE 19801-7407
302 552 4207 (o)
484 431 6101 (c)

geoffrey.grivner@bipc.com

Buchanan

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Monday, April 24, 2023 12:48 PM
To: Steve B. Brauerman <SBrauerman@bayardlaw.com>; Levine, James H.S. <James.Levine@troutman.com>
Cc: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald P. Golden III <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Let's lock it in for 9:30, then.

As Kathryn is on vacation, can someone please circulate a calendar invite?

Akiva M. Cohen

[Kamerman Uncyk Soniker & Klein](#)

1700 Broadway

New York, NY 10019

212-400-4930

From: [Steve B. Brauerman](#)
Sent: Monday, April 24, 2023 12:42 PM
To: [Levine, James H.S.](#)
Cc: [Akiva Cohen](#); [Geoffrey G. Grivner](#); [Kathryn Tewson](#); [Kody M. Sparks](#); [Ronald P. Golden III](#); [Patrick Keane](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kat Farley](#); [Deborah Gaynor](#)
Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

I can speak tomorrow morning as well.

Steve

Stephen B. Brauerman

Bayard, P.A.

(302) 429-4232

On Apr 24, 2023, at 12:40 PM, Levine, James H.S. <James.Levine@troutman.com> wrote:

I can do tomorrow but have a hard stop at 10:30 for a hearing.

James H.S. Levine

Partner

troutman pepper

Direct: 302.777.6536 | Mobile: 302.545.9923

james.levine@troutman.com

On April 24, 2023 at 12:37:53 PM EDT, Akiva Cohen <acohen@kusklaw.com> wrote:

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James? Steve?

Akiva M. Cohen

[Kamerman Uncyk Soniker & Klein](#)

1700 Broadway

New York, NY 10019

212-400-4930

From: [Akiva Cohen](#)

Sent: Monday, April 24, 2023 12:37 PM

To: [Geoffrey G. Grivner](#)

Cc: [Steve B. Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Kody M. Sparks](#); [Ronald P. Golden III](#); [Patrick Keane](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kat Farley](#); [Deborah Gaynor](#)

Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

I can talk tomorrow morning, yes.

Akiva M. Cohen
[Kammerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Geoffrey G. Grivner](#)
Sent: Monday, April 24, 2023 12:29 PM
To: [Akiva Cohen](#)
Cc: [Steve B. Brauerman](#); [Levine, James H.S.](#); [Kathryn Tewson](#); [Kody M. Sparks](#); [Ronald P. Golden III](#); [Patrick Keane](#); [Dylan Schmeyer](#); [Mike Dunford](#); [Kat Farley](#); [Deborah Gaynor](#)
Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Akiva,

Does tomorrow morning work for you and James?

Thanks,

Geoff

On Apr 20, 2023, at 2:44 PM, Akiva Cohen <acohen@kusklaw.com> wrote:

Geoff?

Akiva M. Cohen
[Kammerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Steve B. Brauerman](#)
Sent: Tuesday, April 18, 2023 4:07 PM
To: [Levine, James H.S.](#); [Akiva Cohen](#); [Geoffrey G. Grivner](#); [Kathryn Tewson](#); [Kody M. Sparks](#); [Ronald P. Golden III](#); [Patrick Keane](#)
Cc: [Dylan Schmeyer](#); [Mike Dunford](#); [Kat Farley](#); [Deborah Gaynor](#)
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

I can do Monday before 2:30 and the other windows of James' availability.

Steve

Stephen B. Brauerman
Director
[BAYARD, P.A.](#)
+1 302-429-4232
sbrauerman@bayardlaw.com

From: Levine, James H.S. <James.Levine@Troutman.com>
Sent: Tuesday, April 18, 2023 1:44 PM
To: Akiva Cohen <acohen@kusklaw.com>; Steve B. Brauerman <SBrauerman@bayardlaw.com>; Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald P. Golden III <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>
Cc: Dylan Schmeier <dschmeier@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

I am available anytime Monday, before noon on Tuesday, and after 10:00 on Wednesday.

James H.S. Levine

Partner

troutman pepper

Direct: 302.777.6536 | Mobile: 302.545.9923

james.levine@troutman.com

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Tuesday, April 18, 2023 1:26 PM
To: Steve B. Brauerman <SBrauerman@bayardlaw.com>; Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Ronald P. Golden III <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>
Cc: Dylan Schmeier <dschmeier@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

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Steve,

Right now my concern is that Geoff has indicated he intends to file a motion for leave to amend before this issue is resolved. Given the relevance of the agreement at issue to our position on that motion, and potential response, we can't be in a position where that motion is teed up and the clock is ticking but this one is still waiting to be discussed. If Geoff agrees to hold off on that motion until this issue is resolved, or to extend our time to respond until two weeks after this issue is resolved, there's no urgency and I can extend you as much

time as you need. But if CBV intends to press forward and fast on their motion, this needs to move on the same schedule.

My time next week is generally open, so any time between 10am EST and 5pm EST, Monday-Thursday, will work for me. James, do you have any conflicts those days? Geoff, when are you and your team available?

Akiva M. Cohen
[Kamerman Uncyk Soniker & Klein](#)
1700 Broadway
New York, NY 10019
212-400-4930

From: [Steve B. Brauerman](#)
Sent: Tuesday, April 18, 2023 1:21 PM
To: [Akiva Cohen](#); [Geoffrey G. Grivner](#); [Kathryn Tewson](#); [Kody M. Sparks](#); [Ronald P. Golden III](#); [Patrick Keane](#); [Levine, James H.S.](#)
Cc: [Dylan Schmeyer](#); [Mike Dunford](#); [Kat Farley](#); [Deborah Gaynor](#)
Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Akiva,

I have been tied up with other matters and am preparing for multiple court appearances that will consume the balance of my week.

We are aware of no emergency that would require the filing of a motion to compel (even if that were the appropriate procedural vehicle under Judge Williams' procedures) this week.

It appears that you have misunderstood our objections. We are happy to meet and confer to discuss them. Given the absence of any claims by your client(s) against ChanBond, the nature and pendency of the claims asserted against your client(s) by CBV, and the timing of your client's discovery requests, we do not understand the relevance of or urgency for your requests. And, for reasons we are happy to discuss on a meet and confer, we believe our privilege objections are well-founded.

Your threat of fees is not well taken, and counterproductive to the cooperative approach the parties have taken in this litigation. If, after our meet and confer, you believe there is a basis for a motion to compel, let alone to seek fees under Section 1927, we would need you to outline the complete basis for any such motion before we could productively respond. Although we believe such posturing is unnecessary and unhelpful, we do not see how non-precedential decisions from another district could substantiate a motion for fees.

Since CBV has similar concerns, we believe a meet and confer with all parties would be most productive to address this potential dispute. We have good availability next week and invite you to suggest times that would work for you and CBV.

Thank you,

Steve

Stephen B. Brauerman
Director
BAYARD, P.A.
+1 302-429-4232
sbrauerman@bayardlaw.com

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Sunday, April 16, 2023 10:16 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve B. Brauerman <SBrauerman@bayardlaw.com>; Ronald P. Golden III <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <james.levine@troutman.com>
Cc: Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

CAUTION EXTERNAL

Geoff, Steve,

Please let us know your availability, as if you each stand on your objections we will need to have our motions to compel filed this week.

In addition, given the black letter rule discussed in *Sonnino v. Univ. Kansas Hosp. Auth.*, 220 F.R.D. 633, 642 (D. Kan.), on reconsideration in part sub nom. *Sonnino v. Univ. of Kansas Hosp. Auth.*, 221 F.R.D. 661 (D. Kan. 2004) (“It is well settled that a concern for protecting confidentiality does not equate to privilege, and that information and documents are not shielded from discovery on the sole basis that they are confidential”), please be prepared to discuss any basis you would have to contest the imposition of Section 1927 sanctions should you force us to make a motion to compel.

Best,

Akiva

Sent from my T-Mobile 5G Device

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<image001.png>

From: Akiva Cohen <acohen@kusklaw.com>
Sent: Thursday, April 13, 2023 9:05:53 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden

<rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <james.levine@troutman.com>

Cc: Dylan Schmeier <dschmeier@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>

Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Your objections don't actually set out a basis to withhold the requested documents other than privilege, which obviously doesn't apply to the agreement itself. You have also objected on the basis of privilege to I assume at least some of the underlying documents related to the agreement but have not provided a privilege log.

Please immediately provide us with:

- 1) the basis on which you are withholding the agreement itself;
- 2) a date by which we can expect to receive a detailed privilege log for anything withheld on the basis of privilege; and
- 3) dates and times next week at which you are available to meet and confer on the objections to production.

Sent from my T-Mobile 5G Device

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<image001.png>

From: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>

Sent: Thursday, April 13, 2023 4:43:51 PM

To: Kathryn Tewson <ktewson@kusklaw.com>; Kody M. Sparks

<kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>;

Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane

<patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeier

<dschmeier@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat

Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>

Subject: RE: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

Counsel,

Please see attached Plaintiff's Responses and Objections to Leane Defendants' Second Set of Requests for Production of Documents.

Geoff

Geoffrey Grivner

500 Delaware Avenue, Suite 720

Wilmington, DE 19801-7407

302 552 4207 (o)

484 431 6101 (c)

geoffrey.grivner@bipc.com

[vCard](#) | [Bio](#) | [BIPC.com](#) | [Twitter](#) | [LinkedIn](#)

Buchanan Ingersoll & Rooney PC

From: Kathryn Tewson <ktewson@kusklaw.com>
Sent: Tuesday, March 14, 2023 1:24 PM
To: Geoffrey G. Grivner <geoffrey.grivner@bipc.com>; Kody M. Sparks <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; Patrick Keane <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>
Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeyer <dschmeyer@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>
Subject: Re: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

All,

The previously-served discovery requests were inadvertently served without Delaware counsel's signature. Attached please find the same documents over Delaware counsel's signature; please disregard the previous documents.

Kathryn Tewson, Paralegal

Kammerman, Uncyk, Soniker & Klein P.C.

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<image001.png>

From: Kathryn Tewson

Sent: Tuesday, March 14, 2023 9:48 AM

To: Grivner, Geoffrey G. <geoffrey.grivner@bipc.com>; Sparks, Kody M. <kody.sparks@bipc.com>; Steve Brauerman <SBrauerman@bayardlaw.com>; Ronald Golden <rgolden@bayardlaw.com>; patrick.keane@bipc.com <patrick.keane@bipc.com>; Levine, James H.S. <James.Levine@Troutman.com>

Cc: Akiva Cohen <acohen@kusklaw.com>; Dylan Schmeier <dschmeier@kusklaw.com>; Mike Dunford <mdunford@kusklaw.com>; Kat Farley <kfarley@kusklaw.com>; Deborah Gaynor <dgaynor@kusklaw.com>

Subject: Leane Defendants' Second RFPs to Plaintiff CBV and Defendant ChanBond

All,

Attached please find Leane Defendants' Second Set of Requests for Production to Plaintiff CBV, Inc. and Leane Defendants' Second Set of Requests for Production to Defendant ChanBond, LLC. Please confirm receipt.

Best wishes,

Kathryn Tewson, Paralegal

Kamerman, Uncyk, Soniker & Klein P.C.

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<677DB162A3E04082BED1DE3B4D5F9E26.png>

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